



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/082,705	02/25/2002	Ulrich Noth	NOT01-NP001

24358  
THOMAS JEFFERSON UNIVERSITY  
INTELLECTUAL PROPERTY DIVISION  
1020 WALNUT STREET  
SUITE 620  
PHILADELPHIA, PA 19107



COPY OF PAPERS  
ORIGINALLY FILED

CONFIRMATION NO. 5327

## FORMALITIES LETTER



\*OC000000007709025\*

Date Mailed: 03/25/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

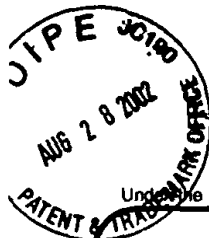
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10/13/2002 10:00 AM  
10/13/2002 10:00 AM



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mpf

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (09-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

10/082,705

Filing Date

February 25, 2002

First Named Inventor

Ulrich Noth

Group Art Unit

3738

Examiner Name

Total Number of Pages in This Submission

Attorney Docket Number

003252-52911

## ENCLOSURES (check all that apply)



Fee Transmittal Form



Fee Attached



Amendment / Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Response to Missing Parts/  
Incomplete Application



Response to Missing Parts  
under 37 CFR 1.52 or 1.53



Assignment Papers  
(for an Application)



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a  
Provisional Application



Power of Attorney, Revocation  
Change of Correspondence  
Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_



After Allowance Communication  
to Group



Appeal Communication to Board  
of Appeals and Interferences



Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please  
identify below):

Remarks

Check in the amount of \$525.00; and Certificate of Mailing.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

David S. Resnick; NIXON PEABODY LLP

Signature

*[Signature]*

Date

8/22/02

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 8/22/02

Typed or printed name

Zinna L. Mang

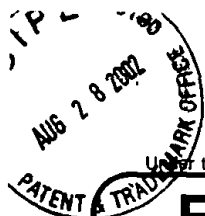
Signature

*[Signature]*

Date

8/22/02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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PTO/SB/17 (11-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)

## Complete if Known

Application Number	10/082,705
Filing Date	February 25, 2002
First Named Inventor	Ulrich Noth
Examiner Name	
Group Art Unit	3738
Attorney Docket No.	003252-52911

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account: charge fee deficiencies

Deposit  
Account  
Number  
Deposit  
Account  
Name

50-0850

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
105 130	205 65	Surcharge - late filing fee or oath	65.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	460.00
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 525.00

## SUBMITTED BY

Name (Print/Type)	David S. Resnick	Registration No. (Attorney/Agent)	34,235	Complete (if applicable)
Signature		Telephone	617-345-6057	Date
				8/22/02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATE PATENT AND TRADEMARK OFFICE



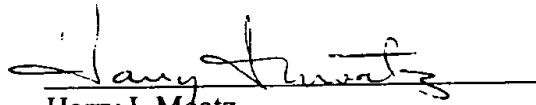
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**LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)**

Leena Karttunen is hereby given limited recognition under 37 CFR § 10.9(b), as an employee of the law firm of Nixon Peabody LLP, to prepare and prosecute patent applications wherein the patent applicant is a client of the law firm of Nixon Peabody LLP, and a registered practitioner, who is a member of the law firm of Nixon Peabody LLP, is the practitioner of record in the applications. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Leena Karttunen ceases to lawfully reside in the United States, (ii) Leena Karttunen's employment with the law firm of Nixon Peabody LLP, ceases or is terminated, or (iii) Leena Karttunen ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such limited recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

**Expires: December 4, 2002**

  
Harry I. Moatz  
Director of Enrollment and Discipline



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Practitioner's Docket No. 003252-52911

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Noth et al.

Application No.: 10/082,705

Filed: February 25, 2002

For: TRABECULAR BONE-DERIVED HUMAN MESENCHYMAL STEM CELLS

Group No.: 3738

Examiner: Unassigned

**Box Missing Parts**

Assistant Commissioner for Patents

Washington D.C. 20231

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a) and 1.10)**

I hereby certify that this correspondence:

Completion of Filing Requirements (5 pp);

Executed Declaration (2 pp);

Fee Transmittal (1 p.);

Transmittal for Response to Missing Parts (1 p.);

Copy of Notice to File Missing Parts; and

Check for \$525.00;

Change of Attorney Address in Application (1 p.); and

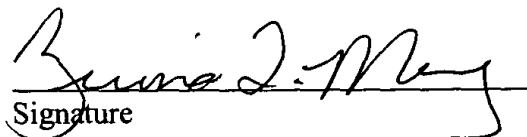
Return receipt postcard

is on the date shown below being:

**MAILING**

- X deposited with the United States Postal Service and with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington D.C. 20231, Box Missing Parts.

Date: 8/22/02

  
Signature

Zinna L. Mang  
(type or print name of person certifying)



Practitioner's Docket No. 003252-52911

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Noth et al.

Application No.: 10/082,705

Filed: February 25, 2002

For: TRABECULAR BONE-DERIVED HUMAN MESENCHYMAL STEM CELLS

Group No.: 3738

Examiner: Unassigned

**CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Box Missing Parts Assistant Commissioner for Patents, Washington, D.C. 20231.

8/22/02  
Date

Zinna L. Mang  
(type or print name of person mailing paper)

*Zinna L. Mang*  
Signature of person mailing paper

**Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231**

**COMPLETION OF FILING REQUIREMENTS  
-- NONPROVISIONAL APPLICATION**

*(check and complete this item, if applicable)*

- I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed March 25, 2002.  
☒ A copy of the Notice to File Missing Parts of Application--Filing Date Granted (Form PTO-1533) is enclosed.

**DECLARATION OR OATH**

- II. ☒ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

**OR**

- ☐ The declaration or oath that was filed was determined to be defective. A new original oath or

declaration is attached.

*(complete (c) or (d), if applicable)*

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

#### SMALL ENTITY STATUS

**III.** ☒ This is a filing by a small entity.

#### COMPLETION FEES

#### IV.

##### 1. Filing fee

- ☐ original patent application  
(37 C.F.R. Section 1.16(a)--\$740.00; small entity--\$370) \$ \_\_\_\_\_
- ☐ design application  
(37 C.F.R. Section 1.16(f)--\$320; small entity--\$160) \$ \_\_\_\_\_

##### 2. Fees for claims

- ☐ each independent claim in excess of 3  
(37 C.F.R. Section 1.16(b)--\$84; small entity--\$42) \$ \_\_\_\_\_
- ☐ each claim in excess of 20  
(37 C.F.R. Section 1.16(c)--\$18; small entity--\$9) \$ \_\_\_\_\_
- ☐ multiple dependent claim(s)  
(37 C.F.R. Section 1.16(d)--\$280; small entity--\$140) \$ \_\_\_\_\_

3. Surcharge fees

[X] late payment of filing fee and/or late filing of original declaration or oath  
(37 C.F.R. Section 1.16(e)--\$130; small entity--\$65) \$ 65.00

4. [ ] Petition and fee for filing by other than  
all the inventors or a person not the inventor  
(37 C.F.R. Sections 1.17(i) and 1.47--\$130) \$ \_\_\_\_\_

5. [ ] Fee for processing an application filed with  
a specification in a non-English language  
(37 C.F.R. Sections 1.17(k) and 1.52(d)--\$130) \$ \_\_\_\_\_

6. [ ] Fee for processing and retention of application  
(37 C.F.R. Sections 1.21(l) and 1.53(d)--\$130) \$ \_\_\_\_\_

7. [ ] Assignment (See "ASSIGNMENT COVER SHEET") \$ \_\_\_\_\_

Total completion fees \$ 65.00

**EXTENSION OF TIME**

**V.**

*(complete (a) or (b), as applicable)*

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

(a) [X] Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
[ ] one month	\$110.00	\$55.00
[ ] two months	\$400.00	\$200.00
[X] three months	\$920.00	\$460.00
[ ] four months	\$1,440.00	\$720.00

Fee \$ 460.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*



☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE DUE**

**VI.**

The total fee due is

Completion fee(s) \$ 65.00  
Extension fee (if any) \$ 460.00

Total Fee Due \$ 525.00

**PAYMENT OF FEES**

**VII.**

☒ Enclosed is a check in the amount of \$ 525.00.

☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate of this request is attached.

Please change Account No. 50-0850 for any fee deficiencies which may be due by this paper or credit any overpayments.

**AUTHORIZATION TO CHARGE ADDITIONAL FEES**

**X.**

☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper to Account No. 50-0850.

☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

☒ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

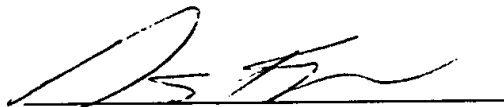
☒ 37 C.F.R. Section 1.17(a)(1)-(5)(extension fees pursuant to Section 1.136(a).

- ☐ 37 C.F.R. Section 1.17 (application processing fees)  
☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

Date: 8/22/12

Customer No. 26248

Respectfully submitted,



David S. Resnick (Reg. No. 34,235)  
Nixon Peabody LLP  
101 Federal Street  
Boston, MA 02110  
(617) 345-6054